

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RACHEL KAY KELLER,

Plaintiff,

v.

Cause No. 1:20-cv-00259 KG/SCY

ANDREW F. ARRIETA,

Defendant/Third-Party Plaintiff,

v.

**COOPER & SCULLY, PC; ERIC HINES;
WESLEY G. JOHNSON; TOM CARSE;
and SEAN P. McAFEE,**

Third-Party Defendants.

**JOINT MOTION TO SUBSTITUTE PARTY AND DISMISS THE ACTION AGAINST
THE HONORABLE SEAN P. McAFEE WITH PREJUDICE**

Third-Party Plaintiff Andrew F. Arrieta and Third-Party Defendant the Honorable Sean P. McAfee jointly move this Court to substitute The Law Office of Sean P. McAfee LLC as Third-Party Defendant for the Honorable Sean P. McAfee, and in support states as follows.

Mr. Arrieta and Judge McAfee have entered into a settlement agreement that resolves the claims in this lawsuit. As consideration for the settlement, the Parties have agreed to substitute Judge McAfee's law firm, the Law Office of Sean P. McAfee LLC, as Third-Party Defendant for Judge McAfee. As further consideration for the settlement agreement, the Parties have agreed to dismiss the action with prejudice against Judge McAfee in his individual capacity as a Third-Party Defendant. After the Court grants this Motion, pursuant to the settlement agreement, the parties will move to dismiss the case against the Law Office of Sean P. McAfee LLC with prejudice, which will terminate the case.

All other parties to this lawsuit have been dismissed. Therefore, Mr. Arrieta and Judge McAfee are not required to seek consent from any other party.

For these reasons, the Parties jointly move this Court to substitute the Law Office of Sean P. McAfee LLC as Third-Party Defendant for the Honorable Sean P. McAfee, and to dismiss with prejudice the action against Judge McAfee as a Third-Party Defendant.

Respectfully Submitted,

THE WARD LAW FIRM

/s/ Vincent J. Ward

Vincent J. Ward

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*Attorney for Third-party Defendant,
Hon. Sean P. McAfee*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 26th day of June 2023, I electronically filed the foregoing through the CM/ECF system, which caused the following counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Vincent J. Ward

Vincent J. Ward